IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.
WRIT PETITION NO.2658 OF 2006
WITH
CHAMBER SUMMONS NO.328 OF 2006

Shreeji Builders & Ors. ..Petitioners.
Vs.
State of Maharashtra & Ors. ..Respondents.

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Mr. N. H. Seervai, Senior Advocate with Mr. F. Pooniwala for the Petitioners.
Mr. K.R. Belosey, AGP for the State – Respondent Nos.1 and 2.
Ms. Ushajee Peri i/b Mr. Mihir Desai for the Applicant in Chamber Summons 328/06.

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CORAM: DR. D.Y. CHANDRACHUD, J.
8th December, 2006.

P.C. :

The order of forfeiture passed by the Collector on 29th May, 1999 came to be issued without furnishing to the Petitioners an opportunity of being heard. When this Petition came up for hearing, an adjournment was sought by the learned AGP to take instructions as to whether the Collector would be ready and willing to pass fresh orders after furnishing to the Petitioners an opportunity of being heard. The Learned AGP who has taken instructions states that the Collector, Mumbai city will pass fresh orders after furnishing to the Petitioners an opportunity of being heard. The Petitioners do not object to a fresh determination by

the Collector. In the circumstances, this Petition is disposed of with the following directions :

i) The order of the Collector dated 29th May, 1999 shall be treated as a notice to show cause to the Petitioners to explain why the land should not be resumed by the Government;

ii) The Petitioners would be at liberty to file their replies before the Collector within a period of four weeks from today;

iii) The Collector shall pass a reasoned order after furnishing to the Petitioners an opportunity of a personal hearing;

iv) All the rights and contentions of the Petitioners on the one hand and of the State Government are kept open.

The Petition is accordingly disposed of.

In view of the disposal of the Petition, the Chamber Summons is disposed of.